



CITY OF SIOUX FALLS

CITY COUNCIL

MINUTES

City Council Meeting

Wednesday, April 13, 2022 at 6:00 PM

Carnegie Town Hall, 235 West 10th St., Sioux Falls, South Dakota 57104

CALL TO ORDER

1. MEETING ROLL CALL

Present: Council Member Marshall Selberg, Council Member Curt Soehl, Council Member Pat Starr, Council Member Janet Brekke, Council Member Christine M. Erickson (via telecom, arr. 6:02 p.m.), Council Member Alex Jensen, Council Member Rick Kiley, Council Member Greg Neitzert, Mayor Paul TenHaken

Absent: None

2. INVOCATION

- Pastor Charlie Moore, Sunnycrest United Methodist Church

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. APPROVAL OF THE CONSENT AGENDA

A motion was made by Council Member Selberg and seconded by Council Member Kiley to approve the Consent Agenda.

Roll call vote to approve. 8 Yes: Selberg, Soehl, Starr, Brekke, Erickson, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.**

5. APPROVAL OF MINUTES

- Informational Meeting of Tuesday, April 5, 2022
- Regular City Council Meeting of Tuesday, April 5, 2022

COMMUNICATIONS

6. Approval of contracts/agreements on the memorandum dated April 8, 2022.

7. Approval of a request from Sara Hokeness and Mike Detert to consume, but not sell, wine and beer at the Mary Jo Wegner Arboretum, 1900 S. Perry Pl., on June 17, 2022, for the following purpose: their wedding.
8. Report of Requests for Quotes for Fuel dated March 30, 2022; Unleaded (5,000 Gallons), Dyed Diesel #1 (1,500 Gallons) and Dyed Diesel #2 (1,500 Gallons); Coles Petroleum (Unleaded \$3.1038, Dyed Diesel #1 \$3.8673 and Dyed Diesel #2 \$3.7685); Howes Oil and CHS Oil, both no bid. Bid awarded to: Coles Petroleum.
9. Report of Requests for Quotes for Fuel dated: April 1, 2022: Unleaded (3,000 Gallons). The City of Sioux Falls is purchasing off the State of South Dakota Fuels, Tankwagon Contract Number 17572, the awarded contractor is Vollan Oil, price paid is Unleaded \$3.0914.
10. Sioux Area Metro Report of Requests for Quotes for Fuel dated: April 5, 2022; 7,500 Gallons of 50/50 Blend of #1 and #2 Clear Diesel; Howes Oil: #1 Clear Diesel (\$4.2584) and #2 Clear Diesel (\$4.1634); Harms Oil, Parkland USA/SPF Energy /Farstad Oil, CHS, Petroleum Traders, Inc. and Midwest Oil, all no bids. Bid awarded to: Howes Oil.

REGULAR AGENDA

11. APPROVAL OF THE REGULAR AGENDA

A motion was made by Council Member Neitzert and seconded by Council Member Jensen to approve the Regular Agenda.

Roll call vote to approve. 8 Yes: Selberg, Soehl, Starr, Brekke, Erickson, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.**

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

12. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 111: ALCOHOLIC BEVERAGES.

Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Ordinance No. 46-22.

A motion was made by Council Member Jensen and seconded by Council Member Kiley to amend by amending Section 111.012 (c) to read: "Only one off-sale liquor license lottery application per business address will be accepted."; and amending Section 111.015.01 (c) to read, "Only one on-sale liquor license lottery application per business address will be accepted."

Roll call vote to amend. 8 Yes: Selberg, Soehl, Starr, Brekke, Erickson, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.**

Roll call vote to adopt, as amended. 8 Yes: Selberg, Soehl, Starr, Brekke, Erickson, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.**

13. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: ORDINANCES, RESOLUTIONS, MOTIONS AND OTHER DOCUMENTS REQUIRING COUNCIL APPROVAL BY REQUIRING AN ANNOTATED AGENDA.
Sponsors: Council Members Brekke and Starr

A motion was made by Council Member Brekke and seconded by Council Member Starr to approve Item 13.

A motion was made by Council Member Jensen and seconded by Council Member Neitzert to refer Item 13 to the City Council Operations Committee and to report back to the City Council no later than the July 19th meeting.

Roll call vote to refer. 7 Yes: Selberg, Soehl, Brekke, Erickson, Jensen, Kiley, Neitzert; 1 No: Starr. **Motion Passed.**

14. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 35 CONFLICTS OF INTEREST OF OFFICERS AND EMPLOYEES AND ETHICS BOARD TO IMPLEMENT A MANDATORY ETHICS TRAINING PROGRAM.
Sponsors: Council Members Brekke and Starr

A motion was made by Council Member Brekke and seconded by Council Member Starr to approve Item 14.

Roll call vote to approve. 3 Yes: Selberg, Starr, Brekke; 5 No: Soehl, Erickson, Jensen, Kiley, Neitzert. **Motion Failed.**

15. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS TO SUPPORT THE CONSTRUCTION AND OPERATION OF THE UNIVERSITY OF SOUTH DAKOTA DISCOVERY DISTRICT RESEARCH PARK LOCATED IN THE CITY OF SIOUX FALLS.
Sponsors: Council Members Soehl and Erickson

A motion was made by Council Member Soehl and seconded by Council Member Jensen to adopt Ordinance No. 47-22.

Roll call vote to adopt. 8 Yes: Selberg, Soehl, Starr, Brekke, Erickson, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.**

ORDINANCE FIRST READINGS

16. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, DECLARING CERTAIN PROPERTY OF THE CITY OF SIOUX FALLS SURPLUS AND APPROVING GRATUITOUS TRANSFER OF REAL PROPERTY.
Recommendation: Set a date of 2nd Reading for Tuesday, April 19, 2022.

Sponsors: Council Members Kiley and Soehl

A motion was made by Council Member Kiley and seconded by Council Member Brekke to set a date of 2nd Reading for Tuesday, April 19, 2022 for Item 16.

Roll call vote to set a date of 2nd Reading. 8 Yes: Selberg, Soehl, Starr, Brekke, Erickson, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.**

HEARINGS AND RESOLUTIONS

17. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR FINANCIAL ASSISTANCE BETWEEN THE CITY OF SIOUX FALLS AND SOUTH DAKOTA DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES.
Sponsor: Mayor

A motion was made by Council Member Jensen and seconded by Council Member Soehl to adopt Resolution No. 35-22.

Roll call vote to adopt. 7 Yes: Selberg, Soehl, Starr, Brekke, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

RESOLUTION NO. 35-22

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR FINANCIAL ASSISTANCE BETWEEN THE CITY OF SIOUX FALLS AND SOUTH DAKOTA DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES.

WHEREAS, the City of Sioux Falls, SD (the "City"), previously determined it necessary to proceed with improvements to its clean water system, including, but not limited to, Water Reclamation Facility Expansion and Capacity Improvements (the "Project"); and

WHEREAS, pursuant to such need and to undertake the Project, the City submitted an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") for \$123,000,000 from the State Revolving Fund (SRF) Loan Program (hereinafter, "SRF Clean Water Loan"); and

WHEREAS, the American Rescue Plan Act (ARPA) and South Dakota Senate Bill 62 allow a 30 percent grant allocation for SRF Loan Program applications; and

WHEREAS, 30 percent of the City's \$123,000,000 SRF Clean Water Loan application is \$36,900,000; and

WHEREAS, the City previously received an award of \$6,800,000 of ARPA Coronavirus State and Local Fiscal Recovery (SLFRF) grant funds in July 2021 which were deposited in the City's Water Reclamation Fund and amended into the City of Sioux Falls' 2021–2025 Capital Program for water reclamation expansion by resolution of the Sioux Falls City Council on August 17, 2021; and

WHEREAS, the Board will match the City's use of ARPA SLFRF funds for clean water projects with an additional \$5,000,000 of Board matching funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

1. That the City is hereby authorized to request from the Board an additional allocation of \$41,900,000 for the Project, representing \$36,900,000 of ARPA grant funds and \$5,000,000 of Board matching funds.
2. That the City is hereby authorized to execute applications to the South Dakota Board of Water and Natural Resources and to execute and deliver such other documents and perform all acts necessary to effectuate the application for financial assistance.
3. That the Mayor and/or Director of Public Works or the Public Works Business Operations Manager are hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Date adopted: 04/13/22.

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

18. A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT UTILITY EASEMENT LOCATED IN LOT 1A, LOT 1B, AND LOT 2 OF RED ROCK PARK SECOND ADDITION IN THE SW1/4 OF THE SE1/4 OF SECTION 13-T101N-R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SD.

Sponsor: Mayor

A motion was made by Council Member Soehl and seconded by Council Member Jensen to withdraw Item 18.

Roll call vote to withdraw. 7 Yes: Selberg, Soehl, Starr, Brekke, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

19. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Sponsor: Mayor

A motion was made by Council Member Soehl and seconded by Council Member Jensen to adopt Resolution No. 36-22.

Roll call vote to adopt. 7 Yes: Selberg, Soehl, Starr, Brekke, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

RESOLUTION NO. 36-22

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it gives its advice and consent to the following Mayoral appointments:

Name	Board	Term
Kristen Barnhardt	Disability Awareness and Accessibility Review Board	Appointed for a term from April 2022 to December 2023 (to fill the unexpired term of Kati Seymour).
Wyatt Dickson	Visual Arts Commission	Appointed for a term from April 2022 to April 2025 (to replace Keith Lapour).
Jennifer Hoelsing	Visual Arts Commission	Appointed for a term from April 2022 to April 2025 (to replace Zach DeBoer).
Michael Jamison	Visual Arts Commission	Reappointed for a term from April 2022 to April 2025.
Joe Schaeffer	Visual Arts Commission	Reappointed for a term from April 2022 to April 2025.

Date adopted: 04/13/22 .

Paul TenHaken, Mayor

ATTEST:
Thomas Greco, City Clerk

20. A RESOLUTION DECLARING THE RESULTS OF THE CITY OF SIOUX FALLS MUNICIPAL ELECTION HELD IN THE CITY OF SIOUX FALLS, SD, ON TUESDAY, THE 12TH DAY OF APRIL 2022.

Sponsors: Council Members Jensen and Neitzert

A motion was made by Council Member Neitzert and seconded by Council Member Kiley to adopt Resolution No. 37-22.

A motion was made by Council Member Neitzert and seconded by Council Member Kiley to amend by substituting the resolution labeled RES0041 with the resolution labeled RES0041a.

Roll call vote to amend. 7 Yes: Selberg, Soehl, Starr, Brekke, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

Roll call vote to adopt, as amended. 7 Yes: Selberg, Soehl, Starr, Brekke, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

RESOLUTION NO. 37-22

A RESOLUTION DECLARING THE RESULTS OF THE CITY OF SIOUX FALLS MUNICIPAL ELECTION HELD IN THE CITY OF SIOUX FALLS, SD, ON TUESDAY, THE 12TH DAY OF APRIL 2022.

On Tuesday, the 12th day of April 2022, a City of Sioux Falls Municipal Election was held. The purpose of the election was to elect one Mayor and four Council Members for the City of Sioux Falls, SD, and to vote on two amendments to the City Charter.

The City Council of the City of Sioux Falls met as the Canvassing Board pursuant to law on Wednesday, April 13, 2022, at the Carnegie Town Hall, 235 West 10th Street, Sioux Falls, SD, at 6 p.m., to canvass the votes cast for City offices and questions at said Municipal Election.

Pursuant to the Canvassing Board's report, candidates for the offices of one Mayor, one At-Large Council Member "A" position; one At-Large Council Member "B" position; one Southeast District position; one Central District position; Charter Amendment A; and Charter Amendment B received the following votes:

For the Mayor of Sioux Falls, four-year term: Paul TenHaken—21,843; Taneeza Islam—7,346; David Zokaite—574.

For At-Large Council Member "A," four-year term position: Sarah Cole—13,862; Janet F. Brekke—9,729; Bobbi Andera—2,732.

For At-Large Council Member "B," four-year term Council Member position: Pam Cole—10,937; Rich Merkouris—14,495.

For the Southeast District Council Member, four-year term position: Cody Ingle—2,869; David Barranco—4,151.

For the Central District Council Member, four-year term position: Jim Burzynsky—963; Emmett Reistroffer—1,511; Curt Soehl—2,717.

For Charter Amendment A: Yes—13,468; No—15,370.

For Charter Amendment B: Yes—15,706; No—12,059.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That pursuant to the Canvassing Board's report, Paul TenHaken received a majority of the votes cast at said election and is hereby declared elected to the office of Mayor;

That pursuant to the Canvassing Board's report, Sarah Cole received a majority of the votes cast at said election and is hereby declared elected to the office of At-Large Council Member "A";

That pursuant to the Canvassing Board's report, Rich Merkouris received a majority of the votes cast at said election and is hereby declared elected to the office of At-Large Council Member "B";

That pursuant to the Canvassing Board's report, David Barranco received a majority of the votes cast at said election and is hereby declared elected to the office of Southeast District Council Member;

That pursuant to the Canvassing Board's report, Curt Soehl received a majority of the votes cast at said election and is hereby declared elected to the office of Central District Council Member.

BE IT FURTHER RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That pursuant to the Canvassing Board's report, Charter Amendment A received a majority of No votes cast at said election and is hereby declared disapproved;

That pursuant to the Canvassing Board's report, Charter Amendment B received a majority of Yes votes cast at said election and is hereby declared approved;

This resolution will become effective upon publication.

Date adopted: 04/13/22 .

Paul TenHaken, Mayor

ATTEST:
Thomas M. Greco, City Clerk

**REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED
APPROPRIATION BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR
ORGANIZATIONAL UNIT AS PROVIDED IN THE SIOUX FALLS CITY CHARTER SECTION
5.07(d)**

21. NOTICE OF TRANSFER OF APPROPRIATIONS ON THE MEMORANDUM DATED March 31, 2022.

NEW BUSINESS

Council Member Curt Soehl mentioned the Pothole Hotline number is 367-8002. Mayor Paul TenHaken said you can also use the CityLink app on your phone.

GENERAL PUBLIC INPUT

Bob Kolbe spoke about the Election results and COVID.

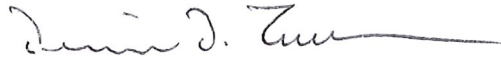
Emmett Reistroffer spoke about the Election results, building bridges and repealing the grocery tax.

Sierra Broussard spoke about the Election results, an 18-year-old in the audience, potholes, and the previous administration.

ADJOURNMENT

A motion was made by Council Member Jensen and seconded by Council Member Kiley to adjourn at 7:12 p.m.

Voice vote to adjourn. 7 Yes: Selberg, Soehl, Starr, Brekke, Jensen, Kiley, Neitzert; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

A handwritten signature in dark ink, appearing to read "Denise D. Tucker", with a long horizontal flourish extending to the right.

Denise D. Tucker, MMC, Assistant City Clerk

